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Subject: EPA Cites States' Support To Counter ECOS' Claim Of 'Unilateral' Federalism

FYSA

EPA Cites States' Support To Counter ECOS' Claim Of 'Unilateral' Federalism

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EPA is rejecting charges from the Environmental Council of the States (ECOS) that its attacks on California's air and water programs undermine the "cooperative federalism" balance of state and federal authority on environmental policy, highlighting new praise from top environmental officials in GOP-led states of the agency's work with them.

"The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites," reads [an EPA statement](#) in response to ECOS' Sept. 26 letter raising concern over the agency's "unilateral actions" regarding California environmental programs.

In recent weeks, EPA withdrew the Golden State's Clean Air Act waiver allowing it to set its own vehicle emissions standards; warned state officials that they risk losing federal highway funds if they do not act within weeks to address a long-standing backlog of state implementation plans (SIPs) under the air law; and sent a letter to Gov. Gavin Newsom (D) alleging that California's Clean Water Act (CWA) and Safe Drinking Water Act programs are failing to protect the environment, with the implication that the agency could withdraw California's delegated authority to implement the water laws.

In response, ECOS Executive Director Donald S. Welsh [wrote to EPA Administrator Andrew Wheeler](#) saying EPA's actions "run counter to the spirit of cooperative federalism and to the appropriate relationship between the federal government and the states," and that ECOS leaders "respectfully demand" a meeting with Wheeler to address the subject.

ECOS represents state environment commissioners, and a CalEPA official told *Inside EPA* that the text of the letter was approved by "the heads of each of the 50 state environmental agencies."

The agency's Sept. 27 statement, provided to *Inside EPA* in response to a request for comment on ECOS' letter, does not address the request for a meeting.

Instead, the response defends the Trump EPA's record on air, water and waste cleanups as well as state-federal relations, while asserting its responsibility to "step in" when states fail to meet their obligations.

"When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present," it says.

As examples of its cooperative work with states, the agency touts ongoing efforts to shift state air programs operating under federal implementation plans imposed by the Obama administration back to state-crafted SIPs, and to approve pending CWA water quality standards that require federal review in order to take effect.

"On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect

human health and the environment. EPA's senior leadership has been meeting at the [ECOS] conference this week in Seattle and found these meeting[s] to have been productive. EPA believes it fulfills ECOS' request in its statement today," the response says.

State Testimonials

Beyond EPA's own statements, the letter includes new comments in support of the Trump administration's agenda from five environment heads for GOP-led states, all of whom are ECOS members -- statements the agency says are "[c]ontrary to the assertions in the ECOS letter."

"Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues, and we look forward to working with them to address key environmental issues important to Florida," reads a quote from Florida environment secretary Noah Valenstein.

It also quotes Arkansas environment chief and former ECOS President Becky Keogh as saying, "Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. . . . I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection."

Other supportive comments come from Austin Caperton, secretary of the West Virginia Department of Environmental Protection; Todd Parfitt, director of the Wyoming Department of Environmental Quality and also a former ECOS president; and Gary Rikard, executive director of the Mississippi Department of Environmental Quality. -- *David LaRoss* (dlaross@iwpnews.com)

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